

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Hu et al.

Docket No.: PF112P3D1C1

Application No.: 09/935,726

Confirmation No.: 3533

Filed: August 24, 2001

Art Unit: 1647

For: Vascular Endothelial Growth Factor 2

Examiner: R. Landsman

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)


Human Genome Sciences, Inc. ("HGS") is the assignee of the entire right, title and interest in and to the instant application by virtue of an assignment of the priority U.S. Application No. 09/042,105, filed March 13, 1998, recorded in the U.S. Patent and Trademark Office on June 9, 1998, at Reel 9247, Frame 0448. HGS hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156, as presently shortened by any terminal disclaimer, on any patent granted on U.S. Application No. 09/257,272, filed February 25, 1999, in which a Notice of Allowance was mailed October 20, 2004. HGS hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on U.S. Application No. 09/257,272 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, HGS does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of any patent granted on U.S. Application No. 09/257,272, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record in the instant application. Pursuant to 37 C.F.R. §§ 1.321(b)(4) and §1.20(d), the Commissioner is hereby authorized to charge required fee of \$110.00 to our Deposit Account No. 08-3425, as indicated on the Fee Transmittal Sheet submitted concurrently herewith.

Dated: November 19, 2004

Respectfully submitted,

By 
Melissa J. Pytel

Registration No.: 41,512
HUMAN GENOME SCIENCES, INC.
9410 Key West Avenue
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MMW/MJP/ba

IN LIEU OF PTO/SB/17 (10-04v2)
endency of the application.

FREE TRANSMITTAL

for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	110.00
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Complete if Known	
Application Number	09/935,726-Conf. #3533
Filing Date	August 24, 2001
First Named Inventor	Jing-Shan Hu
Examiner Name	R. S. Landsman
Art Unit	1647
Attorney Docket No.	PF112P3D1C1

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/>	Check	<input type="checkbox"/>	Credit Card	<input type="checkbox"/>	Money Order	<input type="checkbox"/>	Other	<input type="checkbox"/>	None
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☒ Deposit Account:

Deposit Account Number	08-3425
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Deposit Account Name	Human Genome Sciences, Inc.
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The Director is authorized to: (check all that apply)

<input checked="" type="checkbox"/>	Charge fee(s) indicated below	<input checked="" type="checkbox"/>	Credit any overpayments
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☒ Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

☒ *** Charge any additional fee(s) during the *pendency* of the application

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)	(\$)	0.00
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/> -20** =	<input type="text"/> x	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/> -3** =	<input type="text"/> x	<input type="text"/>	<input type="text"/>
Multiple Dependent			<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)	(\$)	0.00
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****or number previously paid, if greater; For Reissues, see above**

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)		1814		Statutory Disclaimer	110.00

Other fee (specify)

1814 Statutory Disclaimer

110.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)	(\$)	110.00
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SUBMITTED BY

Name (Print/Type)	Melissa J. Pytel
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Registration No. (Attorney/Agent)	41,512
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(Complete (if applicable))

Telephone	(301) 610-5764
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Signature

Date _____

November 19, 2004